

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA**

In re:	)	Bankr. No. 11-40568
	)	Chapter 7
KATHRYN LYNN DAGGITT	)	OBJECTION TO CLAIMED
SSN/ITIN xxx-xx-1507	)	EXEMPTIONS AND
	)	MOTION FOR TURNOVER
Debtor.	)	

COMES NOW the Chapter 7 Trustee and objects to Debtor's claimed exemptions and, further, moves the Court for an order requiring turnover of property by the Debtor.

#### 1. OBJECTION

Specifically, the Trustee objects on the basis that Debtor's claimed exempt property under S.D.C.L. § 43-45-4 exceeds Debtor's exemption limit of \$4,000.00 by \$972.00 based upon the following:

<u>Asset</u>	<u>Amount Exempted</u>
Cash	6.00
Bank Accounts	43.00
Household Goods	175.00
Hobby	100.00
Earned Wages	448.00
1994 Toyota 4-Runner	200.00
2002 Toyota Tundra	4,000.00
Total	\$4,972.00

#### 2. MOTION FOR TURNOVER

This motion is brought pursuant to 11 U.S.C. § 521(4). This Court has jurisdiction pursuant to 28 U.S.C. §§ 1334 and 157.

On Schedule B Debtor listed a 2002 Toyota Tundra valued at \$4,000.00. Debtor submitted an appraisal to the Trustee from Big City Motors INC. which valued the vehicle at \$4,500.00. On Schedule C, Debtors claimed \$4,000.00 of equity exempt in the vehicle. The amount of non-exempt equity in the vehicle is \$500.00.

Debtor's personal property exemption limit under S.D.C.L. § 43-45-4 is \$4,000.00. Based on the information provided on Debtor's schedules and testimony at the § 341 meeting, the value of Debtor's personal property is as follows:

<u>Asset</u>	<u>Trustee Value</u>	<u>Amount Exempted</u>
Cash	6.00	6.00
Bank Accounts	705.00	43.00

Security Deposit	550.00	0.00
Household Goods	175.00	175.00
Hobby	100.00	100.00
Earned Wages	448.00	448.00
2011 Federal Tax Refund	Unknown	0.00
1994 Toyota 4-Runner	200.00	200.00
2002 Toyota Tundra	4,500.00	4,000.00
Total	\$6,684.00	\$4,972.00

Debtor has \$2,684.00 of non-exempt personal property equity (\$1,212.00 personal property equity not claimed exempt + \$500.00 equity in the 2002 Toyota Tundra not claimed exempt + \$972.00 personal property equity claimed exempt in excess of Debtor's personal property exemption limit). Furthermore, 202/365ths of Debtor's 2011 federal income tax refund is property of the bankruptcy estate.

Wherefore, the Trustee would hereby request that the Court sustain the Trustee's objection to claimed exemptions, and order Debtor to turn over to the Trustee the 2002 Toyota Tundra, or, in the alternative, turn over to the Trustee \$500.00 for the amount of non-exempt equity in the vehicle; \$2,684.00; the pre-petition amount of Debtor's 2011 federal income tax refund which has not been claimed exempt; and for such other and further relief as is deemed appropriate by the Court under the circumstances.

Dated this 15<sup>th</sup> day of September, 2011.

LEE ANN PIERCE

/s/ Lee Ann Pierce  
 Chapter 7 Bankruptcy Trustee  
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